

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TOUCHPOINT SOLUTIONS, INC.,

Plaintiff,

vs.

EASTMAN KODAK COMPANY,

Defendant.

C.A. No. 04-11014 NMG

AFFIDAVIT OF ROBERT B. CALIHAN, ESQ.

I, Robert B. Calihan, do on oath hereby depose and say as follows:

1. I am over the age of majority, of sound mind, and I give this testimony based on my personal knowledge and belief.

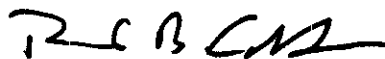
2. I am a partner at Nixon Peabody, LLP, and serve as Eastman Kodak Company's ("Kodak") counsel in the above-captioned litigation.

3. Attached to this affidavit as Exhibit 1 is a true and accurate copy of *Plaintiff Touchpoint Solution's Inc.'s First Set of Interrogatories to Defendant*, which were served upon counsel for Kodak on August 13, 2004.

4. Attached to this affidavit as Exhibit 2 is a true and accurate copy of *Plaintiff Touchpoint Solution's Inc.'s First Request for Production of Documents*, which were served upon counsel for Kodak on August 13, 2004.

5. These are the discovery requests Plaintiff Touchpoint Solutions, Inc. now proposes Kodak answer within ten (10) days, which is not possible given their breadth and number.

Signed under the pains and penalties of perjury this 19th Day of August, 2004.



Robert B. Calihan